

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

ADRIAN McPHERSON,)	
)	
Plaintiff,)	Case No. 3:07-cv-0002
)	
vs.)	Judge Haynes
)	Magistrate Judge Griffin
)	
TENNESSEE FOOTBALL, INC.,)	
d/b/a TENNESSEE TITANS,)	JURY DEMAND
)	
Defendant.)	

AFFIDAVIT OF STEVE UNDERWOOD

State of Tennessee)
)
County of Davidson)

I, Steve Underwood, being duly sworn, depose and state as follows:

1. I am the Senior Executive Vice President, Chief Operating Officer and General Counsel of Tennessee Football, Inc. ("TFI"). TFI owns the National Football League ("NFL") franchise known as the Tennessee Titans. I have been involved in the legal representation of the Tennessee Titans and its predecessor, the Houston Oilers, since 1978. My business address is 460 Great Circle Road, Nashville, Tennessee, 37228. I am over eighteen years of age and make this Affidavit based upon my personal knowledge.

2. Through my legal representation of the Tennessee Titans and the Houston Oilers, I am familiar with the provisions of the National Football League

Collective Bargaining Agreement 2002-2008 ("CBA") entered into by and between the National Football League Management Council ("NFLMC") and the National Football League Players Association ("NFLPA"). Attached hereto as Exhibit 1 is a true and correct copy of the CBA. I am also familiar with the provisions of the Constitution and Bylaws of the National Football League ("NFL Constitution and Bylaws"). Attached hereto as Exhibit 2 is a true and correct copy of Article 17 of the NFL Constitution and Bylaws.

3. All of the teams in the NFL, including the Tennessee Titans and the New Orleans Saints, are members of the collective bargaining unit for management represented by the NFLMC.

4. Subsequent to the collision that occurred on August 12, 2006 – when Adrian McPherson, a player for the New Orleans Saints, ran into a motorized cart driven by the Tennessee Titans' mascot, T-Rac – I made, on behalf of the Titans, several requests to Ryan Tollner, Mr. McPherson's agent, to have Mr. McPherson examined by a physician of the Titans' choosing and at the Titans' expense. Copies of my written requests to Mr. Tollner are attached hereto as collective Exhibit 3. Despite my several requests, Mr. McPherson did not accept the Titans' invitation for examination.

5. Attached hereto as Exhibit 4 are true and correct copies of newspaper accounts of Mr. McPherson's accident in the Saints – Titans football game.

6. According to NFL records, true and correct copies of which are attached as Exhibit 5, (i) on October 30, 2006, Mr. McPherson had a tryout with the

New York Giants and (ii) on December 19, 2006, Mr. McPherson had a tryout with the Kansas City Chiefs.

7. According to Arena Football League records, a true and correct copy of which is attached as Exhibit 6, Mr. McPherson is currently employed by the Austin Wranglers of the Arena Football League.

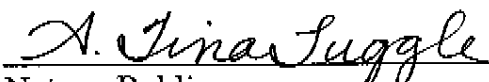
8. At no time has Mr. McPherson filed a grievance, either injury on non-injury, against the Tennessee Titans or any other NFL team arising out of the 2006 NFL season.

9. To the best of my knowledge, based upon the information available to me as provided by the NFL and my own independent research, since the current CBA became effective in May of 1993, every claim asserted by an NFL player against an individual NFL team arising out of an on-field injury occurring during the course of a game – more than four hundred claims in total – has been filed pursuant to the CBA's mandatory arbitration provisions or has ultimately been remanded to arbitration.

FURTHER, AFFLIANT SAYETH NOT.


Steve Underwood

Sworn to and subscribed before me
this 31st day of January, 2007.


Notary Public

My Commission Expires JULY 19, 2008

My commission expires: _____

